



USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 02/27/2024

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February 27, 2024

BY ECF

Honorable Margaret M. Garnett
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Furet v. City of New York, et al.,
22 Civ. 3172 (AT)

Your Honor:

I represent defendants the City of New York and Logan Payano in the above-referenced matter. Defendants City and Payano write to respectfully request an extension of time to file their motion to quash the subpoena to testify at a deposition plaintiff has directed to a non-party undercover officer—to the extent defendants ultimately move to quash the subpoena—from February 27, 2024, until March 5, 2024. Plaintiff consents to this request. This is defendants City and Payano’s second such request. Defendants City and Payano apologize for submitting this request on the same date as the current deadline to file their motion to quash; the reason for the timing of this request is that the parties have had continuing discussions as to whether plaintiff will continue to pursue the deposition at issue and, as of today, plaintiff’s counsel informed me that he is currently in the process of reviewing documents which defendants City and Payano respectfully submit should obviate any need to pursue a deposition of an undercover officer.

By way of background, on January 26, 2024, plaintiff filed an affidavit of service indicating that he served a subpoena to testify at a deposition on a “John Doe” officer at the Narcotics Borough Manhattan South. Plaintiff has indicated to defendants City and Payano that he seeks to depose a non-party undercover officer. It is defendants City and Payano’s position that the subpoena should be quashed. On January 28, 2024, defendants City and Payano filed a letter requesting that the Court allow them until February 16, 2024, to file their motion to quash (ECF No. 47), which the Court granted (ECF No. 48). The parties have conferred about this issue via telephone and email, and as a result of such discussions defendants City and Payano requested an extension of time to file their motion to quash—until February 27, 2024—which the Court granted (ECF No. 50). As of today, plaintiff is currently in the process of reviewing documents which defendants City and Payano respectfully submit should obviate any need to pursue a deposition of

an undercover officer. Defendants City and Payano produced the documents last week, in response to plaintiff's second set of document requests.

Accordingly, defendants City and Payano respectfully request an additional one-week extension of time to file their motion to quash, if any, to afford the parties time to continue conferring and hopefully avoid motion practice.

Thank you for your time and consideration.

Respectfully submitted,

/s/ Zachary Kalmbach

Zachary Kalmbach
Senior Counsel

cc: **Via ECF**
All counsel of record

Application GRANTED. Defendants City of New York and Payano may file a motion to quash by **March 5, 2024**. Pursuant to Rule I(B)(5) of the Court's Individual Rules, future requests for adjournments or extensions of time must be made at least two business days prior to the original due date. Requests for adjournments or extensions of time that are not made pursuant to Rule I(B)(5) may be denied due to their untimeliness

SO ORDERED. Date 2/27/2024.



HON. MARGARET M. GARNETT
UNITED STATES DISTRICT JUDGE